



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SDR-29409 - APPLICANT: BIG TOWN MECHANICAL -**  
**OWNER: BBH, LLC**

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0-1/vq vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Variance (VAR-25481) and Variance (VAR-29412) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the combined site and landscape plan date stamped 10/03/08 and building elevations date stamped 08/11/08, except as amended by conditions herein.
4. A Waiver from 19.12 Landscape Buffer requirements is hereby approved to allow no landscaping along the north and south property lines where eight feet is the minimum width required.
5. An Exception from LVMC 19.10.010 (J)(11) is hereby approved, to allow zero parking lot fingers in the onsite parking area where five landscaped fingers with one, 24-inch box tree per finger would be required.
6. An Exception from LVMC 19.08.050(4)(c) is hereby approved, to allow no screening for a solar collector, where Parapet screening would be required.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology)
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
15. If a parcel map is recorded that does not combine the three parcels into one, the owners of the parcels shall execute an off-site agreement or similar document, satisfactory to the City Attorney, which outlines the terms and conditions of the off-site parking. The document must contain the legal description of both the off-site parcel and the parcel where the principal use is located and must be of sufficient duration to ensure the continued use of the off-site parcel for parking. To provide record of this off-site parking arrangement the City may record the document with the County Recorder or require the applicant to do so.

**Public Works**

16. A Merger and Resubdivision Parcel Map, such as PMP-27188, shall record prior to the issuance of any permits for this site, unless otherwise allowed by the City Surveyor.
17. Dedicate an additional 10 feet of right-of-way for a total half-street width of 40 feet on Western Avenue adjacent to this site prior to the issuance of any permits.

18. Remove all substandard public street improvements and unused driveway cuts adjacent to this entire site on Western Avenue and Highland Avenue, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Offsite improvements on Western Avenue shall be constructed within the existing right-of-way to the currently established back of curb. Sidewalk adjacent to Western Avenue may be deferred subject to submittal of a Covenant Running with Land agreement for the possible future installation of sidewalks adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of any permits or the approval of any construction drawings, whichever may occur first.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
20. All driveways shall be designed, located and constructed in accordance with Standard Drawing #224.
21. If the entry gates proposed are to be electrically opened and closed, the gates may be placed immediately behind the street rightofway line (i.e., on the private property side of where the sidewalk is located). If the entry gate is to be manually opened and closed, the gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street rightofway before parking to manually operate the gate; alternatively the gates shall remain open during regular business hours. The installation of either swing gates or rolling gates is acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public rightofway.
22. Landscape and maintain all unimproved right-of-way, if any, adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
23. Submit an Encroachment Agreement for all landscaping, if any, located in the public rightofway adjacent to this site prior to occupancy of this site.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-25482) to modify the square-footage and approved height of a proposed Light Manufacturing Facility on 2.02 acres at 1924, 1930 and 2000 Western Avenue. An existing 5,118 square-foot building will remain and provide for additional storage for this facility. Additionally, a companion Variance (VAR-29412) to allow 82 parking spaces where 120 are required will be heard with the Site Development Plan Review.

The proposed Light Manufacturing Facility is compatible with the M (Industrial) zoned property and the surrounding area; however, the site plan does not meet the Title 19 standards for parking, landscaping and setbacks. Therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/07/06                                                                  | The City Council approved a General Plan Amendment (GPA-9219) to Amend the City of Las Vegas Downtown Redevelopment Plan map by designating future land use designations as Commercial, Mixed Use, Industrial or Public Facility for areas within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request. |
| 02/28/08                                                                  | The Planning Commission accepted the applicants withdrawal for a Variance (VAR-25481) to allow a zero foot side yard setback where 10-feet is required for a proposed Light Manufacturing Facility on 2.02 acres at 1924, 1930 and 2000 Western Avenue.                                                                                                                   |
| 04/02/08                                                                  | The City Council approved a Site Development Plan Review (SDR-25482) for a proposed 49,494 square-foot Light Manufacturing Facility with a Waiver to allow no landscape buffers along the north and south property lines where eight feet is required on 2.02 acres at 1924, 1930 and 2000 Western Avenue. The Planning Commission recommended approval.                  |
| 04/02/08                                                                  | The City Council approved a Variance (VAR-26127) to allow 76 parking spaces where 106 parking spaces are required for a proposed Light Manufacturing Facility on 2.02 acres at 1924, 1930 and 2000 Western Avenue. The Planning Commission recommended approval.                                                                                                          |
| 08/12/06                                                                  | A business license (N31-00112) was issued for a Non Profit Social Services General at 1928 Western Avenue.                                                                                                                                                                                                                                                                |

|                                                            |                                                                                                                                                                                                                                              |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/25/06                                                   | A business license (C11-00571) was issued for a contractor (Big Town Mechanical) at 2000 Western Avenue.                                                                                                                                     |
| 11/08/07                                                   | A business license (D06-00838) was issued for a Designer-Decorator at 1930 Western Avenue.                                                                                                                                                   |
| 10/09/08                                                   | The Planning Commission recommended approval of companion item VAR-29412 concurrently with this application.<br><br>The Planning Commission voted 6-0-1/vq to recommend APPROVAL (PC Agenda Item #14/dh).                                    |
| <b><i>Pre-Application Meeting</i></b>                      |                                                                                                                                                                                                                                              |
| 08/06/08                                                   | A Pre-Application Meeting was held and the requirements for submitting a Variance and a Site Development Plan Review with a waiver were discussed. The applicant was told that a Revisionary Map would be a necessary condition of approval. |
| <b><i>Neighborhood Meeting</i></b>                         |                                                                                                                                                                                                                                              |
| A Neighborhood Meeting was not required, nor was one held. |                                                                                                                                                                                                                                              |

|                           |                                                                                                                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Field Check</i></b> |                                                                                                                                                                                         |
| 08/20/08                  | A field check was conducted and the area is a mix of offices and industrial uses. The buildings on the subject parcels have not been demolished for the new building and parking areas. |

|                                              |      |
|----------------------------------------------|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 2.02 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>   | <b>Planned Land Use</b>         | <b>Existing Zoning</b> |
|-----------------------------|----------------------------|---------------------------------|------------------------|
| Subject Property            | Offices and Light Industry | LI/R (Light Industry/ Research) | M (Industrial)         |
| North                       | Light Industry             | LI/R (Light Industry/ Research) | M (Industrial)         |
| South                       | Offices and Light Industry | LI/R (Light Industry/ Research) | M (Industrial)         |
| East                        | Offices and Light Industry | LI/R (Light Industry/ Research) | M (Industrial)         |
| West                        | Offices and Light Industry | LI/R (Light Industry/ Research) | M (Industrial)         |

| <b><i>Special Districts/Zones</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>              |                   |                  |                          |

|                         |   |  |   |
|-------------------------|---|--|---|
| Redevelopment Plan Area | X |  | Y |
|-------------------------|---|--|---|

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District (200 feet)         | X                 |                  | Y                        |
| Live/Work Overlay District                        | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

#### **Airport Overlay District (200 feet)**

The subject property is within the boundaries of the Airport Overlay District, which requires the approval of a Special Use Permit for any structure over 200 feet in height. The subject site is under the 200-foot height limit of the North Las Vegas Airport Overlay and thus does not affect the overlay district.

#### **Live/Work Overlay District**

This site is within the Live/Work Overlay District. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.130.

### **DEVELOPMENT STANDARDS**

***Pursuant to Title 19.08.050, the following development standards apply:***

| <b><i>Standard</i></b> | <b><i>Required/Allowed</i></b> | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|------------------------|--------------------------------|------------------------|--------------------------|
| Min. Lot Size          | N/A                            |                        | Y                        |
| Min. Lot Width         | 100 Ft                         |                        | Y                        |
| Min. Setbacks          |                                |                        |                          |
| • Front                | 10 Ft                          | 10Ft                   | Y                        |
| • Side                 | 10 Ft                          | Zero Feet              | N                        |
| • Corner               | 10 Ft                          | N/A                    | Y                        |
| • Rear                 | Zero Ft                        | N/A                    | Y                        |
| Max. Lot Coverage      | N/A                            | 38.93 %                | Y                        |
| Max. Building Height   | N/A                            | 53 Feet                | Y                        |
| Trash Enclosure        | Screened                       | Screened               | Y                        |
| Mech. Equipment        | Screened                       | Screened               | Y                        |

*Please note the applicable code section here (Title 19.12)*

| <b>Landscaping and Open Space Standards</b> |                        |              |                 |                   |
|---------------------------------------------|------------------------|--------------|-----------------|-------------------|
| <b>Standards</b>                            | <b>Required</b>        |              | <b>Provided</b> | <b>Compliance</b> |
|                                             | <b>Ratio</b>           | <b>Trees</b> |                 |                   |
| Parking Area                                | 1 Trees/6 Spaces       | 5 Trees      | 2 Trees         | N                 |
| Buffer: East<br>Min. Trees                  | 1 Tree/ 30 Linear Feet | 10 Trees     | 10 Trees        | Y                 |
| Buffer: West<br>Min. Trees                  | 1 Tree/ 30 Linear Feet | 10 Trees     | 10 Trees        | Y                 |
| Buffer:<br>(North and South)                | 1 Tree/ 30 Linear Feet | 32 Trees     | Zero            | N                 |
| <b>TOTAL</b>                                |                        | 57 Trees     | 22 Trees        | N                 |
| Min. Zone Width                             | 8 Feet                 |              | Zero            | N                 |
| Wall Height                                 | 8 Feet                 |              | 7.33            | Y                 |

*Pursuant to Title 19.10, the following parking standards apply:*

| Parking Requirement |                                     |                           |         |              |          |              |            |
|---------------------|-------------------------------------|---------------------------|---------|--------------|----------|--------------|------------|
| Use                 | Gross Floor Area or Number of Units | Required                  |         |              | Provided |              | Compliance |
|                     |                                     | Parking Ratio             | Parking |              | Parking  |              |            |
|                     |                                     |                           | Regular | Handi-capped | Regular  | Handi-capped |            |
| Office              | 25,245 SF                           | 1/300 SF                  | 81      | 4            | 73       | 3            | N          |
| Light Manufacturing | 28,961 SF                           | 1/1000 SF                 | 27      | 2            |          |              |            |
| Existing Building   | 5,118 SF                            | 1/50% of gross floor area | 5       | 1            | 5        | 1            | N*         |
| Sub Total           | 59,324 SF                           |                           | 113     | 7            | 78       | 4            | N*         |
| Total               | 59,324 SF                           |                           | 120     |              | 82       |              | N          |
| Percent Deviation   |                                     |                           |         |              | 32%      |              | N          |

\* A companion Variance (VAR-29412) has been submitted to allow 82 parking spaces where 120 spaces are required. The approval of this Variance will allow this development to continue as designed.

## **ANALYSIS**

The applicant is requesting a Major Modification to an approved Site Development Plan Review (SDR-25482). Pursuant to Title 19.18.050, any amendment which does not qualify as a Minor Amendment shall be deemed to be considered a Major Amendment and shall be processed in the same manner as a new Site Development Plan Review. The subject review was deemed to be a Major Amendment to the approved Site Development Plan Review pursuant to Title 19.18.050(H)(1)(c): A material increase in the maximum density, floor area, or height of the Site Development Plan as approved.

The proposed building had the incorrect square-footage submitted on the approved Site Development Plan Review (SDR-25482) as 49,494 square feet and the correct square-footage is indicated on the new Site Development Plan Review (SDR-29409) as 54,206 square feet. The overall square-footage of the building has increased by 4,712 square feet. The total building height has increased from 46 feet to 53 feet.

A Waiver and two exceptions were previously approved, as a part of Site Development Plan Review (SDR-25482). The previously approved Waiver were to allow no landscaping along the north and south property lines where eight feet is the minimum and the two exceptions were to allow no screening for a solar collector and zero parking lot fingers in the onsite parking area where five landscaped fingers with one, 24-inch box tree per finger would be required.

- **Zoning**

The M (Industrial) district is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M (Industrial) zoning district is consistent with the Light Industry/Research category of the General Plan.

- **Site Plan**

The site plan shows an existing building and the proposed three-story Light Manufacturing Facility. The existing building is 5,118 square-feet and is located on the southern portion of the subject property. The proposed three-story Light Manufacturing Facility has approximately 54,206 square-feet and is a combination of office space and manufacturing space. This property will be accessed from Western Avenue, an 80-foot Secondary Collector Street and Highland Avenue, a 60-foot Local Street as designated by the Master Plan of Streets and Highways.

| Approved                                                                                                     | Proposed                                                                                                     |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Office Gross Floor Area: 19,235 SF<br>Light Manufacturing Gross Floor<br>Area: 30,259 SF<br>Total: 49,494 SF | Office Gross Floor Area: 25,245 SF<br>Light Manufacturing Gross Floor<br>Area: 28,961 SF<br>Total: 54,206 SF |
| Parking provided at proposed site 72<br>STD. & 4 HDCP                                                        | Parking provided at proposed site 82<br>STD. & 4 HDCP                                                        |
| Building Height: 46 feet                                                                                     | Building Height: 53 feet                                                                                     |
| Development contained within the<br>existing property lines.                                                 | Development contained within the<br>property lines but the height and<br>square footage increased.           |

- **Parking**

This Light Manufacturing Facility does not meet the parking standards as required by Title 19. The proposed development provides 82 parking spaces, where 120 parking spaces are required. Of these 82 parking spaces, approximately 33 are located on street level, including two handicap spaces. The remaining 49 parking spaces, including two handicap spaces, are located on the roof of the proposed three-story building. The applicant has an additional 5 parking spaces, including one handicap space, provided by the existing building. This proposal does not meet Title 19 standards for parking and as a result a Variance (VAR-29412) has been submitted.

- **Waivers**

There are no new Waivers requested as a part of the subject Site Development Plan Review. One Waiver was approved as a part of Site Development Plan Review (SDR-25482). The approved Waiver are as follows:

- A Waiver from 19.12 Landscape Buffer requirements is hereby approved to allow no landscaping along the north and south property lines where eight feet is the minimum width required.

- **Landscaping**

The Landscape plan is deficient in the amount of perimeter landscaping required on the north and south and property lines. The landscaping provided on the west and east property lines meet the minimum requirements of Title 19. The applicant previously had a Waiver approved to allow no landscaping buffers along the north and south property lines where eight feet is the minimum width required and it was approved with SDR-25482. Staff recommended denial of this Waiver request.

- **Elevation and Floor Plan**

The original elevations were approved at a height of 46 feet. The revised elevations indicate at a height of 53 feet. The elevations show concrete tilt up panels and a variety of textures and colors to facilitate a thought-provoking design. The floor plan shows multiple levels of manufacturing and office space. The first floor has offices on the east side and manufacturing on the west side of the building. The second floor is an assortment of offices and conference rooms and a large mezzanine. The third floor has office space and a roof top parking garage containing 49 parking spaces.

The floor plans have not changed and the uses indicted have remained the same on the floor plans as well. The overall building square footage has increased by 4,712 square feet. The overall square footage and building heights have been modified as follows:

| Approved                                        | Proposed                                        |
|-------------------------------------------------|-------------------------------------------------|
| Office Gross Floor Area: 19,235 SF              | Office Gross Floor Area: 25,245 SF              |
| Light Manufacturing Gross Floor Area: 30,259 SF | Light Manufacturing Gross Floor Area: 28,961 SF |
| Total: 49,494 SF                                | Total: 54,206 SF                                |
| Lot Coverage 37.43%                             | Lot Coverage 38.93%                             |
| Building Height 46 feet                         | Building Height 53 feet                         |

- **Sustainability**

This development of a Light Manufacturing Facility has a goal of earning a LEED rating of Gold. The Gold rating is the second highest criteria under the LEED certification system. More realistically, it is expected that this project will receive a rating of Silver, which is a substantial achievement toward sustainability. One of the design elements under consideration is photovoltaic panels, capturing the suns energy for heating the building and projected to be installed on the roof-top car covers.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The development of a Light Manufacturing Facility is compatible with the M (Industrial) zoning district. The parcels directly adjacent to this project all have the M (Industrial) zoning designation; however, the site plan does not meet Title 19 standards for parking, setbacks and landscaping.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed Light Manufacturing Facility is consistent with the General Plan; however, the proposed development does not comply with Title 19 standards. Previously a Waiver to Title 19.12 Landscape Standards for no landscaped buffers on the north and south property lines, a Variance (VAR-25481) for a zero setback on the north property line and another Variance (VAR-26127) for parking were approved with Site Development Review (SDR-25482) and the applicant has requested another Variance (VAR-29412) for parking with the new Site Development Review (SDR-29409).

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

This project gains access from Western Avenue, an 80-foot Secondary Collector Street and Highland Avenue, a 60-foot wide Local Street. The current and future access to the site will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

The building and landscape materials are appropriate for the area.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations depict design and materials that will provide an aesthetically pleasing light manufacturing facility. This building is compatible with industrial development in this area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

This development will be subject to inspections, and appropriate measures will be taken to protect the public health, safety and general welfare.

**PLANNING COMMISSION ACTION**

The Planning Commission amended conditions 1 and 3 as shown.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 141 by City Clerk

**APPROVALS** 6

**PROTESTS** 1